

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SEAN OWENS,	§	
	§	
v.	§	Civil Action No. 4:20-cv-665-SDJ-KPJ
	§	
TRANSUNION, LLC, et al.	§	
	§	

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On September 9, 2022, the report of the Magistrate Judge (the “Report”), (Dkt. #193), was entered containing proposed findings of fact and recommendations that Defendant Navient Solutions, LLC’s (“Navient”) Motion to Dismiss the Fourth Amended Complaint or Strike Impermissible Claims (“Navient’s Motion”), (Dkt. #123); and Defendant Educational Credit Management Corporation’s (“ECMC”) Motion to Dismiss the Fourth Amended Complaint or in the Alternative, Motion to Strike (“ECMC’s Motion”), (Dkt. #126), be **GRANTED IN PART** and **DENIED IN PART**. On September 20, 2022, Plaintiff Sean Owens (“Plaintiff”) filed Objections, (Dkt. #195), to the Report.

The Court has conducted a *de novo* review of the Objections and is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the Objection is without merit as to the ultimate findings of the Magistrate Judge.

Accordingly, Plaintiff's Objections, (Dkt. #195), are **OVERRULED** and the Magistrate Judge's report is **ADOPTED** as the findings and conclusions of the Court.

IT IS ORDERED that:

1. Navient's Motion to Dismiss Plaintiff's Fourth Amended Complaint or Strike Impermissible Claims, (Dkt. #123), is **GRANTED IN PART** and **DENIED IN PART** as follows:

a. Navient's Motion is **GRANTED** as to Plaintiff's defamation/libel claim, TCPA claim, and "intrusion on seclusion" invasion of privacy claim. These claims are **DISMISSED WITH PREJUDICE**.

b. Navient's Motion is **DENIED** as to Plaintiff's FDCPA Claim and Section 1681s-2(b) FCRA claim.

2. ECMC's Motion to Dismiss Plaintiff's Fourth Amended Complaint or in the Alternative, Motion to Strike, (Dkt. #126), is **GRANTED IN PART** and **DENIED IN PART** as follows:

a. ECMC's Motion is **GRANTED** with respect to Plaintiff's defamation/libel claim as to ECMC and the claim is **DISMISSED WITH PREJUDICE**.

b. ECMC's Motion is **DENIED** as to all remaining arguments raised in ECMC's Motion.

So ORDERED and SIGNED this 12th day of February, 2024.

A handwritten signature in black ink, appearing to read "Sean D. Jordan", is written over a horizontal line.

SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE